

REMARKS/ARGUMENTS

In the Office Action mailed December 15, 2006, the Office Action rejected claims 1-14 under 35 U.S.C. § 103. Claims 1, 6 and 11 have been amended.

Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

I. Claims 1-14 Rejected Under 35 U.S.C. § 103

The Office Action rejected claims 1-14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,674,756 to Rao et al. (hereinafter "Rao") and further in view of U.S. Patent No. 6,690,659 to Ahmed et al. (hereinafter, "Ahmed"). This rejection is respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.

Applicant respectfully submits that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

Claim 1, as amended, recites "wherein the same destination is obtained for each of a plurality of nodes on the computer network that send data to the destination." Support for this amendment

may be found in Applicants' specification, page 8, paragraph 47 – page 9, paragraph 48. Rao and Ahmed, alone or in combination, do not teach, suggest or disclose this claim element.

The Office Action refers to col. 8, line 56 – col. 9, line 43 of Rao as teaching “obtaining a destination comprising a computer on a computer network.” See Office Action, page 2. The Office Action does not assert that Ahmed, alone or in combination with Rao, suggests this claim element. Part of the section of Rao cited by the Office Action states “[e]ach FM 10 [forwarding module] also includes an IP forwarder 44 for forwarding packets . . . [w]hen a packet is received by the FM 10, the IP forwarder 44 proceeds to forward the packet if it has learned the destination address.” Rao, col. 8, lines 56-63.

Proceed[ing] to forward the packet if the destination address has been learned does not teach, suggest or disclose “wherein the same destination is obtained for each of a plurality of nodes on the computer network that send data to the destination.” The cited passage of Rao above simply states that the IP forwarder forwards the packet if it has learned the destination address. There is no teaching, suggestion or disclosure in the cited passage above of obtaining “the same destination for each of a plurality of nodes.”

Rao also states:

Thus, each virtual router preferably functions as a separate router in an independent and self-contained manner. Each virtual router may further be partitioned into multiple virtual private networks (VPNs) for further controlling access to the switch. VPNs are created with filtering software that filters traffic directed to the virtual router based on criteria such as, for example, source address and/or destination address.

Rao, col. 9, lines 36-43.

Here, Rao discloses “multiple virtual private networks . . . with filtering software . . . that filters traffic . . . based on . . . [a] destination address.” Id. Filtering traffic based on a destination address suggests multiple destinations. Multiple destinations does not teach, suggest or disclose “wherein the same destination is obtained for each of a plurality of nodes on the computer network that send data to the destination.”

The Office Action also refers to col. 10, lines 7-17 of Rao as teaching “obtaining a destination comprising a computer on a computer network.” See Office Action, page 2. This section of Rao states:

After the user has been authenticated, data packets may be forwarded to their destination addresses . . . the switch provides for a uniform interface . . . responsible for all internal packet forwarding, either between ports on the same FM 10 or across the bus to another FM 10 in the switch.

Rao, col. 10, lines 6-12.

Packets that may be forwarded “between ports on the same FM 10 or across the bus to another FM 10 in the switch” does not teach, suggest or disclose “wherein the same destination is obtained for each of a plurality of nodes on the computer network.” Rao discloses that packets may be sent across the bus to another FM in the switch which does not teach, suggest or disclose “the same destination” as claimed by Applicant.

The Office Action further refers to col. 11, lines 28-67 of Rao as teaching “obtaining a destination comprising a computer on a computer network.” See Office Action, page 2. In this section cited by the Office Action, Rao states “[t]he routing table 70 includes a list of all of the IP destination addresses reachable from the FMs 10, and all known routes to each destination address.” Rao, col. 11, lines 29-32. Including a list of all the destination addresses and all known routes to each destination address does not teach, suggest or disclose “wherein the same destination is obtained for each of a plurality of nodes.”

In addition, Rao states “[t]he forwarding table 90 preferably includes a list of IP destination addresses and the best known route to each of these destination addresses.” Rao, col. 11, lines 65-67. Including a list of destination addresses and the best known route to each of these addresses suggests multiple addresses are used. As such, this cited passage of Rao does not teach, suggest or disclose using “the same destination . . . for each of a plurality of nodes” as claimed by Applicant.

In view of the foregoing, Applicant respectfully submits that claim 1 is patentably distinct from Rao and Ahmed, alone or in combination. Accordingly, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

Claims 2-5 depend directly from claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 2-5 be withdrawn for at least the same reasons as those presented above in connection with claim 1 because Rao and Ahmed, alone or in combination, do not teach, suggest or disclose all of the claim elements of claim 1.

Claim 6, as amended, recites “wherein the same destination is obtained for each of a plurality of nodes on the computer network that send data to the destination.” Support for this amendment may be found in Applicants’ specification, page 8, paragraph 47 – page 9, paragraph 48. Rao and Ahmed, alone or in combination, do not teach, suggest or disclose this claim element.

The Office Action refers to col. 8, line 56 – col. 9, line 43 of Rao as teaching “obtaining a destination comprising a computer on a computer network.” See Office Action, page 2. The Office Action does not assert that Ahmed, alone or in combination with Rao, suggests this claim element. Part of the section of Rao cited by the Office Action states “[e]ach FM 10 [forwarding module] also includes an IP forwarder 44 for forwarding packets . . . [w]hen a packet is received by the FM 10, the IP forwarder 44 proceeds to forward the packet if it has learned the destination address.” Rao, col. 8, lines 56-63.

Proceed[ing] to forward the packet if the destination address has been learned does not teach, suggest or disclose “wherein the same destination is obtained for each of a plurality of nodes on the computer network that send data to the destination.” The cited passage of Rao above simply states that the IP forwarder forwards the packet if it has learned the destination address. There is no teaching, suggestion or disclosure in the cited passage above of obtaining “the same destination for each of a plurality of nodes.”

Rao also states:

Thus, each virtual router preferably functions as a separate router in an independent and self-contained manner. Each virtual router may further be partitioned into multiple virtual private networks (VPNs) for further controlling access to the switch. VPNs are created with filtering software that filters traffic directed to the virtual router based on criteria such as, for example, source address and/or destination address.

Rao, col. 9, lines 36-43.

Here, Rao discloses “multiple virtual private networks . . . with filtering software . . . that filters traffic . . . based on . . . [a] destination address.” Id. Filtering traffic based on a destination address suggests multiple destinations. Multiple destinations does not teach, suggest or disclose “wherein the same destination is obtained for each of a plurality of nodes on the computer network that send data to the destination.”

The Office Action also refers to col. 10, lines 7-17 of Rao as teaching “obtaining a destination comprising a computer on a computer network.” See Office Action, page 2. This section of Rao states:

After the user has been authenticated, data packets may be forwarded to their destination addresses . . . the switch provides for a uniform interface . . . responsible for all internal packet forwarding, either between ports on the same FM 10 or across the bus to another FM 10 in the switch.

Rao, col. 10, lines 6-12.

Packets that may be forwarded “between ports on the same FM 10 or across the bus to another FM 10 in the switch” does not teach, suggest or disclose “wherein the same destination is obtained for each of a plurality of nodes on the computer network.” Rao discloses that packets may be sent across the bus to another FM in the switch which does not teach, suggest or disclose “the same destination” as claimed by Applicant.

The Office Action further refers to col. 11, lines 28-67 of Rao as teaching “obtaining a destination comprising a computer on a computer network.” See Office Action, page 2. In this section cited by the Office Action, Rao states “[t]he routing table 70 includes a list of all of the IP destination addresses reachable from the FMs 10, and all known routes to each destination address.”

Rao, col. 11, lines 29-32. Including a list of all the destination addresses and all known routes to each destination address does not teach, suggest or disclose “wherein the same destination is obtained for each of a plurality of nodes.”

In addition, Rao states “[t]he forwarding table 90 preferably includes a list of IP destination addresses and the best known route to each of these destination addresses.” Rao, col. 11, lines 65-67. Including a list of destination addresses and the best known route to each of these addresses

suggests multiple addresses are used. As such, this cited passage of Rao does not teach, suggest or disclose using “the same destination . . . for each of a plurality of nodes” as claimed by Applicant.

In view of the foregoing, Applicant respectfully submits that claim 6 is patentably distinct from Rao and Ahmed, alone or in combination. Accordingly, Applicant respectfully requests that the rejection of claim 6 be withdrawn.

Claims 7-10 depend either directly or indirectly from claim 6. Accordingly, Applicant respectfully requests that the rejection of claims 7-10 be withdrawn for at least the same reasons as those presented above in connection with claim 6 because Rao and Ahmed, alone or in combination, do not teach, suggest or disclose all of the claim elements of claim 6.

Claim 11, as amended, recites “wherein the same destination is obtained for each of a plurality of nodes on the computer network that send data to the destination.” Support for this amendment may be found in Applicants’ specification, page 8, paragraph 47 – page 9, paragraph 48. Rao and Ahmed, alone or in combination, do not teach, suggest or disclose this claim element.

The Office Action refers to col. 8, line 56 – col. 9, line 43 of Rao as teaching “obtaining a destination comprising a computer on a computer network.” See Office Action, page 2. The Office Action does not assert that Ahmed, alone or in combination with Rao, suggests this claim element. Part of the section of Rao cited by the Office Action states “[e]ach FM 10 [forwarding module] also includes an IP forwarder 44 for forwarding packets . . . [w]hen a packet is received by the FM 10, the IP forwarder 44 proceeds to forward the packet if it has learned the destination address.” Rao, col. 8, lines 56-63.

Proceed[ing] to forward the packet if the destination address has been learned does not teach, suggest or disclose “wherein the same destination is obtained for each of a plurality of nodes on the computer network that send data to the destination.” The cited passage of Rao above simply states that the IP forwarder forwards the packet if it has learned the destination address. There is no teaching, suggestion or disclosure in the cited passage above of obtaining “the same destination for each of a plurality of nodes.”

Rao also states:

Thus, each virtual router preferably functions as a separate router in an independent and self-contained manner. Each virtual router may further be partitioned into multiple virtual private networks (VPNs) for further controlling access to the switch. VPNs are created with filtering software that filters traffic directed to the virtual router based on criteria such as, for example, source address and/or destination address.

Rao, col. 9, lines 36-43.

Here, Rao discloses “multiple virtual private networks . . . with filtering software . . . that filters traffic . . . based on . . . [a] destination address.” Id. Filtering traffic based on a destination address suggests multiple destinations. Multiple destinations does not teach, suggest or disclose “wherein the same destination is obtained for each of a plurality of nodes on the computer network that send data to the destination.”

The Office Action also refers to col. 10, lines 7-17 of Rao as teaching “obtaining a destination comprising a computer on a computer network.” See Office Action, page 2. This section of Rao states:

After the user has been authenticated, data packets may be forwarded to their destination addresses . . . the switch provides for a uniform interface . . . responsible for all internal packet forwarding, either between ports on the same FM 10 or across the bus to another FM 10 in the switch.

Rao, col. 10, lines 6-12.

Packets that may be forwarded “between ports on the same FM 10 or across the bus to another FM 10 in the switch” does not teach, suggest or disclose “wherein the same destination is obtained for each of a plurality of nodes on the computer network.” Rao discloses that packets may be sent across the bus to another FM in the switch which does not teach, suggest or disclose “the same destination” as claimed by Applicant.

The Office Action further refers to col. 11, lines 28-67 of Rao as teaching “obtaining a destination comprising a computer on a computer network.” See Office Action, page 2. In this section cited by the Office Action, Rao states “[t]he routing table 70 includes a list of all of the IP destination addresses reachable from the FMs 10, and all known routes to each destination address.” Rao, col. 11, lines 29-32. Including a list of all the destination addresses and all known routes to

each destination address does not teach, suggest or disclose “wherein the same destination is obtained for each of a plurality of nodes.”

In addition, Rao states “[t]he forwarding table 90 preferably includes a list of IP destination addresses and the best known route to each of these destination addresses.” Rao, col. 11, lines 65-67. Including a list of destination addresses and the best known route to each of these addresses suggests multiple addresses are used. As such, this cited passage of Rao does not teach, suggest or disclose using “the same destination . . . for each of a plurality of nodes” as claimed by Applicant.

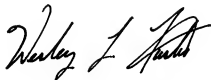
In view of the foregoing, Applicant respectfully submits that claim 11 is patentably distinct from Rao and Ahmed, alone or in combination. Accordingly, Applicant respectfully requests that the rejection of claim 11 be withdrawn.

Claims 12-14 depend directly from claim 11. Accordingly, Applicant respectfully requests that the rejection of claims 12-14 be withdrawn for at least the same reasons as those presented above in connection with claim 11 because Rao and Ahmed, alone or in combination, do not teach, suggest or disclose all of the claim elements of claim 11.

II. Conclusion

Applicant respectfully asserts that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wesley L. Austin". The signature is fluid and cursive, with the first name "Wesley" being more prominent than the last name "Austin".

/Wesley L. Austin/

Wesley L. Austin
Reg. No. 42,273
Attorney for Applicant

Date: March 15, 2007

MADSON & AUSTIN
Gateway Tower West
15 West South Temple, Suite 900
Salt Lake City, Utah 84101
Telephone: (801) 537-1700